

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

v.

AMERICAN AIRLINES, INC.,

Defendant.

CIVIL ACTION NO.: 05-11652 WGY

**DEFENDANT AMERICAN AIRLINES, INC.'S REQUEST TO RE-SCHEDULE TRIAL
DATE FROM JANUARY 4, 2007 TO JANUARY 3, 2007 DUE TO JURY SELECTION
ON JANUARY 4, 2007 BEFORE THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

Defendant American Airlines, Inc. ("American") moves to re-schedule the trial dates in this matter because its counsel, Michael A. Fitzhugh, now has to conduct jury selection on January 4, 2007 in connection with a trial commencing on January 25, 2007 before the United States District Court for the District of Vermont, and because its co-counsel, Amy Cashore Mariani, is scheduled to deliver by Caesarean section on December 26, 2006.

On November 21, 2006, American requested this Court to accommodate the undersigned counsel's schedule and suspend trial of the instant case on January 3, 2006. Subsequent to American's request and this Court's accommodation, an Order was received from the U.S. District Court in Vermont which re-scheduled jury selection from January 3, 2007 to January 4, 2007. Undersigned counsel moved to have jury selection in the Vermont action moved to Friday, January 5th, but the request was denied notwithstanding that court's knowledge of the undersigned's schedule. A copy of that Order is attached hereto as Exhibit A.

Given that the undersigned is now available on January 3, 2007, candor with the Court warrants this notification that he can attend trial in the instant action on that day in lieu of appearing on January 4, 2007. However, Defendant's counsel understands that its request might conflict with the Court's current schedule, and will make himself available for trial on January 4, 2007 if this Court so orders.

WHEREFORE, the Defendant respectfully requests that this Court refrain from calling trial in the instant action on January 4, 2007, and instead call this matter for trial on January 3, 2007.

Respectfully submitted,
AMERICAN AIRLINES, INC.
By its Attorneys,

/s/ Michael A. Fitzhugh
Michael A. Fitzhugh, (BBO #169700)
Amy Cashore Mariani, (BBO #630160)
FITZHUGH, PARKER & ALVARO LLP
155 Federal Street, Suite 1700
Boston, MA 02110-1727
(617) 695-2330

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 19, 2006.

/s/ Michael A. Fitzhugh
Michael A. Fitzhugh

CERTIFICATE OF CONFERENCE

I hereby certify that on December 18, 2006 at 1:57 p.m., I sent an electronic mail message to opposing counsel, Michael Kirkpatrick, informing him of Defendant's intent to file the above motion. On December 18, 2006 at 5:39 p.m., Attorney Kirkpatrick responded that Plaintiff would not oppose calling this matter for trial on January 3, 2007 instead of on January 4, 2007.

/s/ Amy Cashore Mariani
Amy Cashore Mariani

ENE3, ENEN

**U.S. District Court
District of Vermont (Brattleboro)
CIVIL DOCKET FOR CASE #: 1:04-cv-00275-jgm**

Fab-Tech, Inc. v. E.I. Du Pont
Assigned to: Hon. J. Garvan Murtha
Demand: \$0
Case in other court: Chittenden Superior, :00- -00000
Cause: 28:1441 Notice of Removal-Breach of Contract

Date Filed: 10/13/2004
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Fab-Tech, Inc.

represented by **Michael L. Burak**
Burak, Anderson & Melloni, PLC
30 Main Street, Suite 210
P.O. Box 787
Burlington, VT 05402-0787
(802) 862-0500
Email: mburak@vtlaw1.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**E. I. Du Pont De Nemours &
Company**

represented by **Edward P. O'Leary**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/18/2006	119	ORDER denying <u>118</u> Dft's Assented-To Request to Reschedule Jury Selection. The Court is unable to schedule another jury drawing until February or March. Furthermore, it is noted that co-counsel O'Leary is familiar with the case and no reason has been given why he cannot draw a jury on 1/4/2007. Signed by Judge J. Garvan Murtha on 12/18/2006. (This is a text only Order.) (kbl,) (Entered: 12/18/2006)

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Transaction Receipt			
12/19/2006 10:26:01			
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Description:	Docket Report	Search Criteria:	1:04-cv-00275-jgm Documents: 119
Billable Pages:	1	Cost:	0.08